

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

_____)	
VELCRO INDUSTRIES B.V. and)	
VELCRO USA INC.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No.
)	
PARACLETE ARMOR & EQUIPMENT,)	1-05-cv-290-JD
INC. and SKYCATGEAR.COM,)	
)	
Defendants.)	
_____)	

FINAL JUDGMENT AND DECREE ON CONSENT

WHEREAS, on or about August 22, 2005, Plaintiffs filed a Complaint in this action, alleging, *inter alia*, that Defendants Paraclete Armor & Equipment, Inc. and SkyCatGear.com have infringed upon and have caused the dilution of Plaintiffs' trademark VELCRO®, and have unfairly competed with Plaintiffs, in violation of federal, state, and common law; and

WHEREAS, Defendants Paraclete Armor & Equipment, Inc. and SkyCatGear.com. have consented to the entry of this FINAL JUDGMENT AND DECREE ON CONSENT, in the form and substance as set forth herein;

NOW, THEREFORE, upon review of the relevant papers filed in this action, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

1. This court has jurisdiction over the subject matter of this action.
2. This court has personal jurisdiction over Defendants Paraclete Armor & Equipment, Inc. and SkyCatGear.com. with respect to this action.
3. Plaintiff Velcro Industries B.V. is the owner of, and Plaintiff Velcro USA Inc. is the exclusive licensee under, the trademark VELCRO® and the following twenty (20) United States Trademark Registrations, which registrations are valid and subsisting.:

<u>MARK</u>	<u>REG. NO.</u>	<u>ISSUED</u>	<u>GOODS</u>
VELCRO (stylized)	661,700	05-13-58	Notion-namely a synthetic material sold in ribbon, sheet, or piece goods form, said material having complemental parts which adhere to each other when pressed together and adapted for use as a closure, fastener, or button for closing garments, curtains, or the like.
VELCRO	1,027,417	12-16-75	Separable fasteners - namely, hook and loop-type fasteners and components thereof.
VELCRO	1,031,355	01-27-76	Medical splints and straps for use therewith incorporating hook and loop fasteners.
VELCRO	1,044,049	07-20-76	Safety straps incorporating hook and loop fasteners for medical uses on operating tables, wheelchairs, and the like.

VELCRO	1,091,889	05-23-78	Hook and loop type fasteners for use with recreational vehicles and the like.
VELCRO	1,154,773	05-19-81	Straps incorporating hook and loop type fasteners for use in the medical field
VELCRO	1,163,756	08-04-81	Screen kits, including hook and loop tapes, insect screening and adhesive.
VELCRO	1,184,926	01-05-82	Self-gripping hair rollers.
VELCRO	1,598,591	05-29-90	Molded and extruded plastic material having a surface of hooks or loops, for use in manufacture as components of hook and loop fastening systems; hook and loop fastening systems for use in manufacture
VELCRO	1,705,079	08-04-92	Fabrics and textiles and substitutes therefor, namely, woven, molded, or extruded synthetic material having a surface of hooks and woven synthetic material having a surface of loops.
VELCRO	1,846,829	07-26-94	Separable fasteners; namely, hook and loop type fasteners and components thereof.
VELCRO	2,174,852	07-21-98	Toys and games incorporating hook and loop fasteners, namely, flying disc catch games, tag games featuring balls and vests, target games featuring balls and targets, stuffed toys and dolls with detachable limbs and features, puppets and detachable limbs and features therefor, puppet theaters and board games.

VELCRO	2,220,407	01-26-99	Adhesives for stationery and household use.
VELCRO	2,225,595	02-23-99	Non-electric hair curlers, namely hair rollers.
VELCRO	2,225,651	02-23-99	Snap fasteners and grommets in the nature of eyelets for securing tarpaulins.
VELCRO	2,227,960	03-02-99	Water-resistant pouches for general use.
VELCRO	2,227,961	03-02-99	Watch bands.
VELCRO	2,242,632	05-04-99	Adhesive cement for hobbyists.
VELCRO	2,529,312	01-15-02	Fasteners, namely, buckles, & design snap-hooks, adjuster bars, slides, cord locks, zipper pulls, and modular buckles adaptable to different sizes and configurations.
VELCRO	2,570,823	05-21-02	Fasteners, namely, buckles, snap-hooks, adjuster bars, slides, cord locks, zipper pulls, and modular buckles having alternative components adaptable to different sizes and configurations.

4. Defendants Paraclete Armor & Equipment, Inc. and SkyCatGear.com have used

the term “velcro” in connection with their products in a generic manner that has diluted the distinctive quality of the VELCRO trademark, in violation of Section 43(c) of the Lanham Act, 15 U.S.C. Sec. 1125(a) [Count II of the Complaint]..

5. Counts I, III, and IV of the Complaint are hereby withdrawn without prejudice.

6. Defendants Paraclete Armor & Equipment, Inc. and SkyCatGear.com, and each of them, and their respective officers, directors, employees, agents, and representatives, and all other persons in active concert or participation with them who receive actual notice of this FINAL JUDGMENT AND DECREE ON CONSENT, by personal service or otherwise, shall be and hereby are permanently enjoined and restrained from using the term “velcro” in such a manner as to cause the dilution of Plaintiffs’ VELCRO® trademark.

7. This court retains jurisdiction over this action for purposes of enabling a party to apply to this court at any time for such further orders and directions as may be necessary and appropriate for the construction or modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of violations hereof.

SO ORDERED THIS 10 DAY OF January , 2006.

/s/ Joseph A. DiClserico
United States District Judge

Approved as to form:

VELCRO INDUSTRIES B.V.
and VELCRO USA INC.

/s/ R. Matthew Cairns
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PARACLETE ARMOR &
EQUIPMENT, INC.

/s/ Tim D'Annunzio
By: Tim D'Annunzio
Title: President

SKYCATGEAR.COM

/s/ Tim D'Annunzio
By: Tim D'Annunzio
Title: Owner